

Regular Meeting

Agenda Item #	3
Meeting Date	26 July 2004
Prepared By	Kenneth Sigman Assistant City Attorney
Approved By	Barbara B. Matthews City Manager

Discussion Item	Emergency Air Conditioning Ordinance
Background	<p>On June 21, 2004, the City Council received an update from Montgomery County on the enforcement of electrical code requirements which affect the use of room air conditioning units in Takoma Park rental units. Of specific interest was the enforcement of Section 26-6 (a) (6) of the Montgomery County Housing and Building Standards Code. The code was adopted by the City Council in 2003 and serves as the City's Property Maintenance Code.</p> <p>Section 26-6(a)(6) provides that "[e]ach individual room air conditioning unit, regardless of its current rating, must be served by not less than an individual 20-amp circuit using No. 12 copper wire which terminates in a single receptacle." Landlords cited for violation of this requirement have been given two options by the County inspection staff: to either install the required service or remove the individual window units.</p> <p>Several landlords have prohibited tenants from using room air conditioners in their units, which may have negative health effects for some tenants.</p> <p>The Council, on July 12, 2004, considered the matter and directed staff to prepare an emergency ordinance exempting Takoma Park rental properties from Section 26-(a)(6) to facilitate the restoration of air conditioning to tenants for the remainder of the summer.</p> <p>An estimated 129 rental facilities - 859 rental units - have received notification that they are not in compliance with Section 26-6(a)(6). While the County typically requires violations such as this to be abated or corrected within thirty (30) days, Takoma Park landlords are being given additional time to address the problem if they are able to document that the required electrical work is under contract and will be completed by a specific date. Use of the window units is permitted during this period.</p>
Policy	To facilitate the provision of air conditioning to tenants during summer 2004 and enable the City to develop permanent legislation regarding electrical requirements for room air conditioning units.
Fiscal Impact	The financial impact of the proposed ordinance on City resources will vary depending upon the number of capital improvement petitions submitted by landlords in an effort to recoup the costs they may incur in upgrading the electrical service in

	<p>their respective rental facility. The cost of upgrading the electrical service is an eligible expense for purposes of submitting a capital improvement rent increase petition (Takoma Park City Code Section 6-505(d)(2)(A)).</p> <p>Administrative costs associated with the capital improvement petition process increase with the complexity and size of the project and may, based upon FY04 projections, range from \$60 to \$90 per rental unit. If, for example, a capital improvement petition were submitted for one half of the units affected to date, the cost to the city would be between \$25,500 and \$38,300.</p> <p>The fiscal impact of the proposed ordinance on the affected landlords and tenants is equally fluid. Required electrical work may range from \$100 to \$4,500 per unit. If the landlord were to submit a capital improvement rent increase petition to recoup these costs, the rent increases experienced by affected tenants would range from \$6.00 to \$35.00 or more per month per unit.</p>
Attachments	Proposed Ordinance is to be available for review on Friday, July 23, 2004.
Recommendation	Discuss and vote on proposed Ordinance.
Special Consideration	